

STATE OF INDIANA
COUNTY OF LAKE

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IN THE LAKE CIRCUIT/SUPERIOR COURT
CAUSE NO. 490010710PL0147

2007 OCT 12 PM 1 43

STATE OF INDIANA, THOMAS R. CARTER)
CLERK LAKE SUPERIOR COURT

Plaintiff,

v.

BUZZ TELECOM, CORP.,

BUSINESS OPTIONS, INC.,

KURTIS KINTZEL, individually and
as President of Buzz Telecom, Corp.
and Business Options, Inc.,

KEANAN KINTZEL, individually and
as Secretary of Buzz Telecom, Corp.
and Business Options, Inc.,

Defendants.

COMPLAINT

Plaintiff, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Justin G. Hazlett, petitions the Court pursuant to the Indiana Deceptive Consumer Sales Act, Indiana Code §§ 24-5-0.5-1 through -12, and the Indiana Telecommunications Customers Act, Ind. Code §§ 8-1-29-1 through -8, for injunctive relief, civil penalties, consumer restitution, and costs.

Parties

1. Plaintiff, State of Indiana is authorized to bring this action and to seek injunctive and other statutory relief pursuant to Ind. Code § 24-5-0.5-4(c) and § 8-1-29-8.
2. Defendant Buzz Telecom, Corp. was an Indiana corporation engaged in the sale of telecommunications services. At all times relevant to this Complaint, Defendant maintained a

principal place of business at 8380 Louisiana Street, Merrillville, Indiana. Defendant was a party to consumer transactions with Indiana consumers involving the solicitation or sale of telecommunications-related services, as more fully described below.

3. Defendant Business Options, Inc. was an Indiana corporation engaged in the sale of telecommunications services. At all times relevant to this Complaint, Defendant maintained a principal place of business at 8380 Louisiana Street, Merrillville, Indiana. Defendant was a party to consumer transactions with Indiana consumers involving the solicitation or sale of telecommunications-related services, as more fully described below.

4. Defendant Kurtis Kintzel is an Indiana resident, with a residence address of 241 Whitethorne Lane, Valparaiso, Indiana. At all times relevant to this Complaint, Defendant was the President of the corporate defendants Buzz Telecom, Corp. and Business Options, Inc. At all times relevant to the allegations of this Complaint, Defendant directed and controlled the activities of the corporate defendants.

5. Defendant Keanan Kintzel is a Florida resident, with a residence address of 1104 Sunnydale Drive, Clearwater, Florida. At all times relevant to this Complaint, Defendant was the Secretary and Treasurer of the corporate defendants Buzz Telecom, Corp. and Business Options, Inc. At all times relevant to the allegations of this Complaint, Defendant directed and controlled the activities of the corporate defendants.

Facts

6. Since 1990, Defendants have engaged in transactions both within and outside Indiana to solicit and sell telecommunications services to Indiana and other states' consumers.

7. Defendants have switched, or have caused others to switch, Indiana and other states' consumers' telecommunications services providers, replacing the consumers' chosen

providers with either or both Defendant Buzz Telecom, Corp. or Defendant Business Options, Inc. without the consumers' express authorization.

8. Defendants have billed, or have caused others to bill, Indiana and other states' consumers for residential telecommunications services without the consumers' express authorization for Defendants' services.

9. Through their billing activity, Defendants represented that they had a right to payment for telecommunications services purportedly provided by Defendants and that consumers were obligated to pay for such services.

10. As a result of Defendants' activities, Indiana and other states' consumers have incurred and paid unwarranted charges.

Violations of Indiana Law

Count I -- Violations of the Indiana Telecommunications Customers Act

11. Plaintiff re-alleges and incorporates by reference numbered paragraphs 1 through 10.

12. Defendants have violated Ind. Code § 8-1-29-5 through their illegal billing practices.

Count II -- Violations of the Indiana Deceptive Consumer Sales Act

13. Defendants' violations of Ind. Code § 8-1-29-5 constitute deceptive acts under Ind. Code § 24-5-0.5 pursuant to Ind. Code § 8-1-29-8.

14. Defendants acted as "suppliers" within the meaning of Ind. Code § 24-5-0.5-2(a)(3) in their transactions with Indiana and other states' consumers.

15. Defendants' transactions with Indiana and other states' consumers were "consumer transactions" within the meaning of Ind. Code § 24-5-0.5-2(a)(1).

16. Defendants misrepresented their right to payment, and consumers' obligation to pay, for telecommunications services by submitting illegal bills for telecommunications services to Indiana and other states' consumers.

Count III – Knowing Violations of Indiana Law

17. Plaintiff re-alleges and incorporates by reference the allegations of numbered paragraphs 1 through 16.

18. Defendants engaged in their activities, and committed their violations of Indiana law, with knowledge.

Relief Sought

WHEREFORE, Plaintiff, State of Indiana, requests that the Court enter judgment against Defendants for a permanent injunction enjoining them from:

- a) representing, by direct statement, by implication, or by omission, that the subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have;
- b) representing, by direct statement, by implication, or by omission, that they have a sponsorship, approval, or affiliation in a consumer transaction they do not have;
- c) misrepresenting, by direct statement, by implication, or by omission, that a consumer transaction involves or does not involve a warranty, a disclaimer of warranties, or other rights, remedies, or obligations;
- d) switching, or causing another person to switch, a consumer from one telecommunications provider to another without the consumer's authorization;
- e) billing a consumer for services without the consumer's authorization;

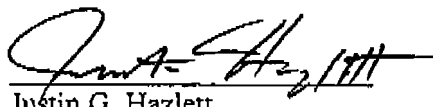
- f) submitting a preferred carrier change order without first confirming such order as required by Ind. Code § 8-1-29-5.5;
- g) violating any rule adopted by the Indiana Utility Regulatory Commission under Ind. Code § 8-1-29-6;
- h) violating any provision of Ind. Code § 24-5-0.5.

AND WHEREFORE, Plaintiff, State of Indiana, further requests the Court enter judgment against Defendants, for the following relief:

- i) consumer restitution pursuant to Ind. Code § 24-5-0.5-4(c)(2) in an amount to be determined at trial;
- j) costs pursuant to Ind. Code § 24-5-0.5-4(c)(3), awarding the Office of the Attorney General its reasonable expenses incurred in the investigation and prosecution of this action;
- k) civil penalties pursuant to Ind. Code § 24-5-0.5-4(g) for Defendants' knowing violations of the Telecommunications Customers Act and the Deceptive Consumer Sales Act, in the amount of five thousand dollars (\$5,000.00) per violation, payable to the State of Indiana; and
- l) all other just and proper relief.

Respectfully submitted,

STEVE CARTER
Attorney General of Indiana

By: 
Justin G. Hazlett
Deputy Attorney General
Atty. No. 22046-49

THOMAS R. PHILPOT
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